TOPICAL INDEX

		Page
(a)	Proceedings below	1
(b)	Grounds for jurisdiction	2
(c)	Questions presented on appeal	7
(d)	Statement of the case	7
(e)	Federal questions substantial	9
(f)	Appendixes	9

TABLE OF AUTHORITIES CITED

Cases

Aday v. Superior Court, 55 Cal.2d 789, 13 Cal.Rptr. 418 4

A Quantity of Books v. Kansas, 378 U.S. 205, 84 S.Ct. 1723, 12 L.Ed.2d 809 ..... 4, 5, 6, 9

Bantam Books v. Sullivan, 372 U.S. 58, 83 S.Ct. 631, 9 L.Ed.2d 584 6

Cotting v. Goddard, 183 U.S. 79, 22 S.Ct. 30, 46 L.Ed.92 5

Dombrowski v. Pfister, 380 U.S. 479, 85 S.Ct. 1116, 14 L.Ed.2d 222 6

Edwards v. California, 314 U.S. 160, 62 S.Ct. 164, 86 L.Ed.119 2

Ex parte Young, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 5

TABLE OF AUTHORITIES CITED

Cases (cont'd)	Page
Flack v. Municipal Court, 66 Cal.2d 981, 59 Cal.Rptr. 872, 429 P.2d 192	4, 5
Freedman v. Maryland, 380 U.S. 51, 85 S.Ct. 734, 13 L.Ed.2d 649	4, 5, 9
James Stewart & Co. v. Sandrakula, 309 U.S. 94, 60 S.Ct. 431, 84 L.Ed. 596, 127 A.L.R. 821	4
Jones v. United States, 362 U.S. 257, 80 S.Ct. 725, 4 L.Ed.2d 697	4
Kingsley Books, Inc. v. Brown, 354 U.S. 436, 77 S.Ct. 1325, 1 L.Ed.2d 1469	5
Lambert v. California, 355 U.S. 225, 78 S.Ct. 240, 2 L.Ed.2d 228	4
Lee Art Theater v. Virginia, ___U.S.___, 20 L.Ed.2d 1313	4, 5, 9
Marcus v. Property Search Warrants, 367 U.S. 717, 81 S.Ct. 1708, 6 L.Ed.2d 1127	5, 6
Marron v. United States, 275 U.S. 192, 48 S.Ct. 74, 72 L.Ed. 231	4
Mills v. Alabama, 384 U.S. 214, 86 S.Ct. 1434, 16 L.Ed.2d 484	5, 6
N.A.A.C.P. v. Button, 371 U.S. 415, 83 S.Ct. 1328, 9 L.Ed.2d 405	5
New York ex rel. Bryant v. Zimmerman, 278 U.S. 63, 49 S.Ct. 61, 73 L.Ed. 184	4
Oklahoma Operating Company v. Love, 252 U.S. 331, 40 S.Ct. 338, 64 L.Ed. 596	5

TABLE OF AUTHORITIES CITED

Cases (cont'd)	Page
People v. Edgar, 60 Cal.2d 171, 32 Cal.Rptr. 48	5
People v. Lauria, 251 Cal.App.2d 471, 59 Cal.Rptr. 628	5
People v. Samarjian, 240 Cal.App.2d 13, 49 Cal.Rptr. 180	5
People v. Samuels, 250 Cal.App.2d 501, 58 Cal.Rptr. 439	5
Pinell v. Superior Court, 232 Cal.App.2d 284, 42 Cal.Rptr. 676	5
Roth v. United States, 354 U.S. 476, 77 S.Ct. 1304, 1 L.Ed.2d 1498	6
Scott v. Donald, 165 U.S. 58, 170 S.Ct. 265, 41 L.Ed. 632	4
Stanford v. Texas, 379 U.S. 476, 85 S.Ct. 506, 13 L.Ed.2d 432	4
Speiser v. Randall, 357 U.S. 513, 78 S.Ct. 1332, 2 L.Ed.2d 1460	6
United Public Works v. Mitchell, 330 U.S. 75, 67 S.Ct. 556, 91 L.Ed. 754	5
United States v. Roth, 391 F.2d 507	4
United States v. Ventresca, 380 U.S. 102, 85 S.Ct. 741, 13 L.Ed.2d 684	4

TABLE OF AUTHORITIES CITED

Statutes (United States)	Page
United States Constitution	
First Amendment	4, 7
Fourth Amendment	4, 7
Fourteenth Amendment	4, 7
28 U.S.C. 1257(2)	1, 3

Statutes (California)	
Penal Code	
Section 311.2	2, 8
Section 856.1	5
*Section 1524(3)	2, 4, 6, 7, 9
Section 1538.5	3, 8

*Stats. 1957, c. 1884, p. 3289, sec. 1.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1968

Application on Behalf of JOSEPH EMMET GROSS, For Writ Of Habeas Corpus.	No. (Undocketed) Supreme Court of the State of California No. 12769

JURISDICTIONAL STATEMENT

(Rule 13(2) and 15)
Rules Of The United States Supreme Court

(a) This is an appeal taken from the order of the Supreme Court of the State of California, dated November 13, 1968, denying the Petition for Writ of Habeas Corpus that had been filed on behalf of appellant JOSEPH EMMET GROSS. This appeal has its origin in an appeal from an intermediate order made by the Municipal Court of the State of California for the County of Los Angeles denying a motion to suppress evidence and traversing a search warrant as permitted by the laws of the State of California.[1]

1 For the purpose of 28 U.S.C. 1257(2), the Appellate Department of the Superior Court of the State of California is the "highest court of the state"

The California Supreme Court denied the Petition for Writ of Habeas Corpus without hearing or opinion. The "Memorandum Opinion and Judgment" of the Appellate Department of the Superior Court for the County of Los Angeles (No. CR A 8007), attached hereto as "Appendix A," is not officially reported. The record of proceedings in the Municipal Court and a certified record of the proceedings in the Appellate Department of the Superior Court was prepared by the Clerk of the Appellate Department of the Superior Court to transmit to this Court pursuant to the original Notice of Appeal. It can be re-sent to this Court if the Court desires.

(b) The jurisdiction of this Court is invoked on the grounds, *interalia,* that both the Supreme Court of the State of California and the Appellate Department of the Superior Court of the State of California for the County of Los Angeles upheld California Penal Code section 1524(3) against a claim of unconstitutionality under the federal Constitution. Other questions raised also invoke federal constitutional questions and invoke the jurisdiction of this Court (see *infra*):

(i) Defendant and appellant JOSEPH EMMET GROSS was charged in a complaint filed in the Municipal Court of the Los Angeles Judicial District, County of Los Angeles, State of California, with two counts of violating California Penal Code section 311.2 (exhibiting or distributing obscene matter). On December 11, 1967, appellant Gross

---

1 Edwards v. California, 314 U.S. 160, 62 S.Ct. 164, 86 L.Ed. 19. However, although a Notice of Appeal was filed from the order of the Appellate Department of the Superior Court, it was decided that the better remedy would be to proceed by way of habeas corpus to the California Supreme Court, since this was an "intermediate" appeal and no judgment of conviction had been entered in the Municipal Court which was finally affirmed in the Appellate Department of the Superior Court.

brought on for hearing a Motion to Suppress Evidence and to Quash Search Warrant pursuant to the provisions of California Penal Code section 1538.5. These motions were denied. Pursuant to Penal Code section 1538.5, an appeal was taken to the Appellate Department of the Superior Court of the State of California for the County of Los Angeles. On July 31, 1968, the Appellate Department affirmed the order denying the Motion to Suppress and Return Evidence, and on August 13, 1968, the Appellate Department denied a Petition for Rehearing and a Petition for Certification to the Court of Appeal. On or about October 12, 1968, petitioner filed a Petition for Writ of Habeas Corpus in the California Supreme Court, challenging the propriety of the ruling below. Additionally, on November 4, 1968, appellant filed a Notice of Appeal to this Court from the Order Denying Rehearing and Denying Certification.

(ii) The Petition for Writ of Habeas Corpus was denied by the California Supreme Court on November 13, 1968; the Notice of Appeal from the denial of Petition for Writ of Habeas Corpus was filed in the Supreme Court of the State of California on January 10, 1969. On August 13, 1968, the Appellate Department of the Superior Court of the State of California for the County of Los Angeles denied a Petition for Rehearing and a Petition for Certification to the Court of Appeal; on November 4, 1968, a Notice of Appeal to this Court was filed in the Appellate Department of the Superior Court of the State of California for the County of Los Angeles.

(iii) Jurisdiction of this Court is conferred by Title 28, United States Code, section 1257(2).

(iv) For case authority conferring jurisdiction on this Court, see:

1. Appellate jurisdiction: *New York ex rel. Bryant v. Zimmerman,* 278 U.S. 63, 67, 49 S.Ct. 61, 73 L.Ed. 184, 187; *James Stewart & Co. v. Sadrakula,* 309 U.S. 94, 60 S.Ct. 431, 84 L.Ed. 596, 127 A.L.R. 821; *Lambert v. California,* 355 U.S. 225, 78 S.Ct. 240, 2 L.Ed. 2d 228.

2. Generally as to subsidiary questions involving constitutional issues: *Scott v. Donald,* 165 U.S. 58, 170 S.Ct. 265, 41 L.Ed. 632.

3. California Penal Code section 1524(3), by permitting a search by warrant without prior judicial determination for allegedly obscene materials, is unconstitutional in violation of Amendments I, IV and XIV to the United States Constitution. *Flack v. Municipal Court,* 66 Cal.2d 981, 59 Cal.Rptr. 872; *cf. Freedman v. Maryland,* 380 U.S. 51, 85 S.Ct. 734, 13 L.Ed.2d 649; *Lee Art Theater v. Virginia,* ___U.S. ___, 20 L.Ed.2d 1313; *A Quantity of Books v. Kansas,* 378 U.S. 205, 84 S.Ct. 1723, 12 L.Ed.2d 809.

4. The search warrant was void for want of probable cause and an inadequate description of the property to be seized. *United States v. Ventresca,* 380 U.S. 102, 85 S.Ct. 741, 13 L.Ed.2d 684; *Jones v. United States,* 362 U.S. 257, 80 S.Ct. 725, 4 L.Ed.2d 697; *Marron v. United States,* 275 U.S. 192, 48 S.Ct. 74, 72 L.Ed. 231; *Stanford v. Texas,* 379 U.S. 476, 85 S.Ct. 506, 13 L.Ed.2d 431; *United States v. Roth,* 391 F.2d 507; *Flack v. Municipal Court, supra; Aday v. Superior Court,* 55 Cal.2d 789, 13 Cal.Rptr. 418.

5. The failure of the warrant to specify an immediate return date for an adversary proceeding or

judicial inquiry as to the obscenity of the film rendered the search warrant void. *Freedman v. Maryland, supra; Lee Art Theater v. Virginia, supra; A Quantity of Books v. Kansas, supra.*

6. The arrest of appellant for conspiracy was a subterfuge to avoid the necessity of obtaining a warrant. *People v. Edgar*, 60 Cal.2d 171, 32 Cal.Rptr. 48; *People v. Samuels*, 250 Cal.App.2d 501, 58 Cal.Rptr. 439; *People v. Lauria*, 251 Cal.App.2d 471, 59 Cal.Rptr. 628; *People v. Samarjian*, 240 Cal.App.2d 13, 49 Cal.Rptr. 180; *Pinell v. Superior Court*, 232 Cal.App.2d 284, 42 Cal.Rptr. 676.

7. The arrest of appellant was illegal in that appellant did not commit a misdemeanor in the presence of the police officers. Penal Code section 856.1.

8. The search of appellant's home for alleged "obscene materials" in the absence of a search warrant and in the absence of a legitimate emergency was improper. *Flack v. Municipal Court, supra; Marcus v. Property Search Warrants*, 367 U.S. 717, 81 S.Ct. 1708, 6 L.Ed.2d 1127.

9. The requirement of a prior adversary proceeding: *Cotting v. Goddard*, 183 U.S. 79, 22 S.Ct. 30, 46 L.Ed. 92; *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714; *United Public Works v. Mitchell*, 330 U.S. 75, 67 S.Ct. 556, 91 L.Ed. 754; *Oklahoma Operating Company v. Love*, 252 U.S. 331, 40 S.Ct. 338, 64 L.Ed. 596; *A Quantity of Books v. Kansas, supra; Freedman v. Maryland, supra; Kingsley Books, Inc. v. Brown*, 354 U.S. 436, 77 S.Ct. 1325, 1 L.Ed.2d 1469; *Marcus v. Property Search Warrants, supra; N.A.A.C.P. v. Button*, 371 U.S. 415, 83 S.Ct. 1328, 9 L.Ed.2d 405; *Mills v. Alabama,*

384 U.S. 214, 86 S.Ct. 1434, 16 L.Ed.2d 484; *Dombrowski v. Pfister,* 380 U.S. 479, 85 S.Ct. 1116, 14 L.Ed.2d 222.

10. Prior restraint: *Speiser v. Randall,* 357 U.S. 513, 78 S.Ct. 1332, 2 L.Ed.2d 1460; *Marcus v. Property Search Warrants, supra; A Quantity of Books v. Kansas, supra; Bantam Books v. Sullivan,* 372 U.S. 58, 83 S.Ct. 631, 9 L.Ed.2d 584; *Roth v. United States,* 354 U.S. 476, 77 S.Ct. 1304, 1 L.Ed.2d 1498.

(v) California Penal Code section 1524(3) is found in Stats. 1957, c. 1884, p. 3289, section 1, and reads as follows:

"A search warrant may be issued upon any of the following grounds:

"1. When the property was stolen or embezzled.

"2. When the property or things were used as the means of committing a felony.

"3. When the property or things are in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered.

"4. When the property or things to be seized consist of any item or constitutes any evidence which tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

"The property or things described in this section may be taken on the warrant from any place, or from any person in whose possession it may be."

(c) The questions presented on appeal are as follows:

(i) Whether California Penal Code section 1524(3) is unconstitutional in violation of Amendments I, IV, and XIV to the United States Constitution, in that said statute permits a search for and seizure of allegedly obscene material, by warrant, without prior judicial determination that the material is "protected"?

(ii) Whether the search warrant that was issued for the search of Mr. Ruben's home and car was void for want of probable cause and an inadequate description of the property to be seized?

(iii) Assuming *arguendo* that the search warrant was valid, nevertheless did the failure of the warrant to specify an immediate return date for an adversary proceeding or judicial inquiry as to the obscenity of the films render the search warrant void?

(iv) Whether the arrest of appellant for conspiracy was really a subterfuge to avoid the necessity of obtaining a warrant?

(v) Whether the arrest of appellant was illegal in that appellant did not commit a misdemeanor in the presence of the police officers?

(vi) Assuming that the arrest of appellant was proper, nevertheless did the search of appellant's home for alleged "obscene materials" in the absence of a search warrant render the search improper and illegal?

(d) **Statement of the case.**

Police Officer Hickman overheard a conversation in a restaurant on Santa Monica Boulevard that a Mr. Ruben had possession of 1,000 reels of obscene film. Based upon this

allegation, *inter alia*, Los Angeles Municipal Court Judge Thomas Griffith issued a search warrant authorizing the night search of Mr. Ruben's home and car. Police Officer Baldanasso, who was tailing Ruben while the warrant was being issued, observed Ruben leave appellant's home and receive from appellant two brown paper bags. The bags were placed in the back seat of Ruben's car. Ruben was then observed to stop at a market at Highland and Franklin Streets in Los Angeles, California, and place another brown paper bag in the front area of his vehicle. Mr. Ruben was later stopped and was found to have the allegedly obscene material in two brown paper bags in the back seat of his car.

The police officers then proceeded to appellant's home and arrested him, without a warrant, on the charge of conspiracy to commit a violation of Penal Code section 311.2. A search–purportedly incidental to the arrest–was conducted and numerous films were seized from appellant, which films were believed by the officers to be obscene. However, some of the films were returned to appellant at a later time for the reason that the police officers believed them not to be obscene. After the district attorney's office refused to file the felony conspiracy charge, the Los Angeles City Attorney's office issued a two-count complaint alleging violations of Penal Code section 311.2 (possession of obscene material for sale). No judge, prior to the issuance of the complaint, ever observed the films.

The issues herein presented were first raised in the Municipal Court of the Los Angeles Judicial District, County of Los Angeles, State of California, in a motion brought pursuant to the provisions of California Penal Code section 1538.5. The purpose of the motion was to suppress and return evidence.

The motion to suppress and to return evidence was denied. Thereafter, an appeal was taken from the order denying said motion to the Appellate Department of the Superior Court of the State of California for the County of Los Angeles, and the said issues were raised in Appellant's Opening Brief. The Appellate Department of the Superior Court of the State of California for the County of Los Angeles affirmed the order denying the motion to suppress and to return evidence and denied a Petition for Rehearing and a Petition for Certification to the Court of Appeal. The identical issues were also raised in the Petition for Writ of Habeas Corpus filed in the Supreme Court of the State of California. The Petition for Writ of Habeas Corpus was denied.

(e) The federal questions presented in this appeal are substantial, in that if California Penal Code section 1524(3) is upheld against the claim of unconstitutionality, it will be possible for police officers to obtain a search warrant to seize allegedly obscene material without there first being a judicial determination as to the obscenity or non-obscenity of the material. Such a procedure would be in violation of rules previously enunciated by this Court. *Freedman v. Maryland, supra; Lee Art Theater v. Virginia, supra; A Quantity of Books v. Kansas, supra.*

(f) Appended hereto are the following:

Memorandum Opinion and Judgment of the Appellate Department of the Superior Court of the State of California for the County of Los Angeles affirming the order made by the Municipal Court of the Los Angeles Judicial District, County of Los Angeles, State of California, denying appellant's

Motion to Suppress and Return Evidence. . . Appendix "A";

Order Denying Rehearing and Denying Certification (Appellate Department of the Superior Court of the State of California for the County of Los Angeles) . . . Appendix "B";

Order denying Petition for Writ of Habeas Corpus (Supreme Court of the State of California) . . . Appendix "C."

Respectfully submitted,

BURTON MARKS

Attorney for Defendant and Appellant.

APPENDIX "A" THROUGH "C"

Appendix "A" – Memorandum Opinion and Judgment
Appellate Department of the Superior Court of the State of California for the County of Los Angeles.

Appendix "B" – Order Denying Rehearing and Denying Certification
Appellate Department of the Superior Court of the State of California for the County of Los Angeles.

Appendix "C" – Denial of Petition For Writ Of Habeas Corpus
Clerk's Office, Supreme Court of the State of California, San Francisco, California.

APPENDIX "A"

MEMORANDUM OPINION AND JUDGMENT
OF THE
APPELLATE DEPARTMENT OF THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Superior Court No. CR A 8007.
Trial Court No. 286156.
PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. JOSEPH EMMET GROSS, Defendant and Appellant.

Appeal by defendant from order denying motion to suppress and return evidence. Municipal Court of the Los Angeles Judicial District, Dan Kaufmann, Judge. Affirmed.

For Appellant - Burton Marks, Esq.
For Respondent - Roger Arnebergh, City Attorney, Kenneth L. Nelson, Deputy City Attorney.

The opinion of the Honorable Dan Kaufman, Judge of the Municipal Court, dated February 23, 1968, correctly and adequately disposes of all issues raised on this appeal. We adopt that opinion as the opinion of this court. (*Flack v. Municipal Court* is now in the permanent volumes and is cited as 66 Cal.2d 981.)

Judge Kaufmann's opinion is as follows:

"1. The search warrant issued for the house and car of Robert Ruben was valid under the *Flack* decision.

66 A C 1035 (*Flack v. Municipal Court*)

Flack holds that the determination of obscenity cannot be made by police officers and that the determination must be made by a judge.

"2. Here the affidavit for the search warrant described with particularity the nature of the materials for which the search was to be made. There can be no question that the issuing magistrate had sufficient and detailed information which would indicate that the material involved was hard core pornography.

"3. The officers had a legal right to arrest defendant Gross.

"An arresting officer saw the transaction between Gross and Ruben, although at the time he could not determine the nature of the material which was passed. In view of all the information available to the officers, they had reasonable probable cause to believe either that there was an unlawful conspiracy between Ruben and Gross to distribute pornographic material or that a distribution had, in fact, taken place by Gross in the presence of one of the officers. In the former case, there was reasonable cause to believe that a felony was being committed and, therefore, the subsequent arrest of Gross was proper; in the latter instance, there was reasonable and probable cause to believe a misdemeanor was being committed in the presence of the police officer and, therefore, reasonable and probable cause for Mr. Gross's arrest. While it is true that there was a delay in effecting the arrest, and while it is true that misdemeanor arrests must be made immediately under the general rule, the Court finds a time lag in the

instant case was not unreasonable.

See *Roynan v. Batten*, 55 C.A.2d 861, 867

The officers did not go about other matters unconnected with the arrest but instead carried out the service of the search warrant which established that the material in the car was, in fact, the type of material specified in the affidavits for the search warrant. Once having ascertained that this was so, they now knew for the first time that in all probability at least a misdemeanor had been committed in the presence of the one observing officer to the transaction between Mr. Gross and Mr. Ruben, and the officers then proceeded immediately to effect the arrest of Mr. Gross.

The search incident to Mr. Gross's arrest was proper.

"In view of all the circumstances then known to the officers and in view of the doctrine of legitimate emergency set forth in the *Flack* case at 66 A.C., page 1045, [page 991, 66 Cal.2d], and considering that a judge had already passed upon the nature of the specified type of material for which the officers were looking, the officers had the right to make a search incident to the arrest and to seize that type of material.

"Therefore, the defendant's motion to suppress the evidence as to the defendant Gross is denied."

The order denying motion to suppress and return evidence is affirmed.

VASEY,

Judge

Dated JUL 31 1968

We concur:

WHYTE,
Presiding Judge

WONG,
Judge

APPENDIX "B"

ORDER DENYING REHEARING AND DENYING CERTIFICATION

APPELLATE DEPARTMENT OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

Superior Court No. CR A 8007.

Trial Court No. 286156.

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. JOSEPH EMMET GROSS, Defendant and Appellant.

The petition of appellant for a rehearing after judgment of this court on appeal and petition for certification of cause to the Court of Appeal in the above-entitled case having been filed and having been duly considered,

Said petitions are hereby denied.

Dated AUG 13 1968

BY THE COURT.

WHYTE,
Presiding Judge

VASEY,
Judge

WONG,
Judge

APPENDIX "C"

CLERK'S OFFICE, SUPREME COURT
4250 STATE BUILDING

SAN FRANCISCO, CALIFORNIA 94102

NOV 13 1968

Dear Sir: *I have this day filed Order*

PETITION FOR WRIT OF HABEAS CORPUS DENIED

In re: Crim *No.* 12769

Gross

on

Petition For Writ Of Habeas Corpus

Respectfully,
WILLIAM I. SULLIVAN
Clerk

23389-877 7-68 3M OSP

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
)
County of Los Angeles)

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and employed in the County of Los Angeles, over the age of eighteen years and not a party to the within action or proceeding; that

My business address is 215 West Fifth Street, Los Angeles, California 90013, that on FEBRUARY , 1969, I served the within JURISDICTIONAL STATEMENT (JOSEPH EMMET GROSS – Application for Writ of Habeas Corpus) on the following named parties by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office in the City of Los Angeles, California, addressed to said parties at the addresses as follows:

COUNTY CLERK, COUNTY OF LOS ANGELES
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012
FOR: APPELLATE DEPARTMENT OF THE SUPERIOR COURT
FOR THE COUNTY OF LOS ANGELES

ATTORNEY GENERAL, STATE OF CALIFORNIA
600 STATE BUILDING
LOS ANGELES, CALIFORNIA 90012

DISTRICT ATTORNEY, COUNTY OF LOS ANGELES
600 HALL OF JUSTICE
LOS ANGELES, CALIFORNIA 90012

CITY ATTORNEY, CITY OF LOS ANGELES
200 NORTH SPRING STREET, RM. 2100
LOS ANGELES, CALIFORNIA

I swear under penalty of perjury that the foregoing is true and correct.

Executed on FEBRUARY , 1969, at Los Angeles, California.

_____
D. A. Standefer

Orig. + 40 copies to: Clerk, United States Supreme Court
1 First Street, N.E., Washington, D. C.

Subscribed and sworn to before me
this day of February, 1969.

_____
Notary Public in and for the
State of California.